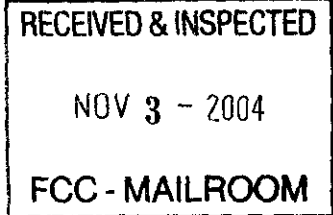




Merrimack Valley Library Consortium

123 Tewksbury Street • Andover, MA 01810
978-475-7632 Fax 978-475-7179



October 27, 2004

DOCKET # 02-6

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

In the matter of: Request for Review by Merrimack Valley Library Consortium of
Decision of Universal Service Administrator

CC: Docket Nos. 02-6

Dear Sir:

We are appealing the decision of the Universal Service Administrator's Decision on Appeal for Funding Year 2004 regarding Application Number: 391277 filed by the Merrimack Valley Library Consortium, a library network serving public libraries in 35 communities in eastern Massachusetts with a population of over 681,000 residents.

The history of this application is:

The Merrimack Valley Library Consortium received a Funding Commitment decision for Form 471 Application #391277 for Funding Year 2004 as communicated in the Funding Commitment Decision Letter dated May 26, 2004

The funding commitment decision awarded MVLC approximately half of the amount requested on Form 471 application #391277 for Funding Year 2004, yet the funding commitment decision says the FRN was "approved as submitted" and not modified by the SLD. The application was not approved as submitted (our Funding Commitment Request was for \$68,040), and we believe this discrepancy was the result of a misinterpretation by the SLD of the ending date of the contract between the MVLC and Verizon-Massachusetts for 36 months of frame relay service. On the Funding Commitment Report, the Contract Expiration Date is listed as 12/26/2004. Thus, MVLC was reimbursed for only six months of service, instead of the twelve months applied for and clearly stated - in box 23g on Application #391277. It is the understanding of both the Merrimack Valley Library Consortium and of Verizon-Massachusetts that the contract expiration date is July 2005.

The SLD's decision appears to be primarily based on the Verizon contract which states that the contract length is "36 months" with no further information as to the service period covered, and a letter sent by Lawrence Rungren, Executive Director of MVLC to

0204 0

the SLD on April 27, 2004 which states that "the Merrimack Valley Library Consortium has a three-year contract with Verizon-Massachusetts signed in January 2002 for service beginning July 2002 for the frame relay telecomm network for which discounts are applied for on application #391277."

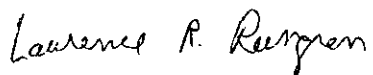
While there is legitimate ambiguity here regarding the period covered by the contract, we feel the SLD has made an incorrect determination regarding the starting and ending dates of the contract period based on limited information contained in the Verizon contract. Our reasons are:

1. The contract that was awarded Verizon was for the installation of an entirely new wide-area telecommunications network. It was not simply a new contract for an already established service. The RFP that accompanied the original Form 470 (Application #905690000383399) for this service clearly listed the start date for this service: "The network should be operational as of July 1, 2002." This clearly indicates that MVLC had no intention of beginning service under this contract before this date.
2. MVLC applied for twelve months of reimbursement on Form 471 application #391277 for Funding Year 2004, not six, as our understanding and Verizon's was that this contract did not expire until July 2005.
3. Verizon, as most vendors, bills only for services provided. As the frame-relay based wide-area-network contracted for was a new service, Verizon could not, and did not, begin billing for it until the new circuits were installed and operational. These circuits did not become operational until July of 2002. For the period January to June 2002, MVLC was billed from Verizon under the terms of our contract for leased lines under the FCC tariff, not for frame-relay circuits under the Commonwealth of Massachusetts tariff. If the new contract had actually been in effect, MVLC would have been billed under the terms of that contract.
4. If the SLD's interpretation were correct, it would mean that MVLC could not contract for any service more than a day before the service begins. In reality, of course, contracting for services in advance of their being provided happens all the time. We believe the SLD is imposing an unreasonable and, ultimately, impossible condition on MVLC.
5. A letter to the SLD from Verizon dated June 28, 2004 and included with our appeal clearly states that the service period for this contract is from July of 2002 to July of 2005. The SLD rejected this letter stating that: "The SLD is not permitted to accept new information on appeal except where an applicant was not given an opportunity to provide information during the initial review or an error was made by the SLD." However, new information is allowed if it resolves an ambiguity in the initial information provided. While the PIA who originally reviewed application #391277 did ask for the confirmation provided on April 27, 2004, no further information was requested regarding the reasons why MVLC

listed both the contract signing and service start dates. The differing interpretations of these dates by MVLC and the SLD that resulted from the limited information included in the Verizon contract, is very definition of an ambiguity. In its appeal, MVLC should have been allowed to provide this information to the SLD in order to resolve this issue.

We would like to see the Administrator's rejection overturned and the remaining portion of the funding for Application Number 391277 approved.

Sincerely,



Lawrence R. Rungren
Executive Director

- Encl:
1. Funding Commitment Decision Letter: Funding Year 2004 – May 26, 2004
 2. Administrator's Decision on Appeal – Funding Year 2004-2005
 3. Confirmation letter – April 27, 2004
 4. Verizon contract – December 26, 2001
 5. Request for Proposal – Frame-relay telecommunications network
 6. Form 471 – “network04” – Funding Year July1, 2004 – June 30, 2005



Merrimack Valley Library Consortium

123 Tewksbury Street.
978-475-7632

Andover, MA 01810
Fax 978-475-7179

April 27, 2004

John Jaffe
Schools and Libraries Division
Program Integrity Assurance

RE: Application #391277 – Frame Relay Telecomm Network

This is to confirm that the Merrimack Valley Library Consortium has a three-year contract with Verizon-Massachusetts signed in January 2002 for service beginning July 2002 for the frame relay telecomm network for which discounts are applied for on application #391277. Because the service is under contract, no Form 470 was filed for Funding Year 2004/2005 and the application referenced the original Form 470 (#905690000383399) for this service filed for Funding Year 5 (July 1, 2002 – June 30, 2003).

Sincerely,

Lawrence Rungren
Executive Director

Linking Libraries. ..To Serve You Better

Serving Communities of the Greater Merrimack Valley



December 26, 2001

Enterprise Business Sales

Mr. Larry Rungren
Director
Merrimack Valley Library Consortium
123 Tewksbury Street
Andover, MA 01810

Dear Mr. Rungren,

Re: Your Request for State of Massachusetts Tariff Frame Relay Services

This letter acknowledges Verizon's receipt of your order for the following service(s) at prices shown in the referenced tariff or contract:

Description of Service and Tariff or Contract Reference:

Frame Relay Service/Massachusetts Remote Access-Virtual Private Network Tariff-Terms 801 CMR 21.00

Address(es) where service will be provided:

See Attachment A

Period of Service:

36 Months

Pricing:

STATE OF MA VPN TARIFF FRAME RELAY SERVICES

T-1 with 768 CIR Frame Relay 18 circuits x \$400 per circuit per month
384K with 384K CIR Frame Relay 17 circuits x \$286 per circuit per month
56K with 56KK CIR Frame Relay 8 circuits x \$93.20 per circuit per month

Quantity Ordered:

Customer ordering:

Number of 56K Circuits 8 initial

Number of 384K Circuits 17 initials

Number of T1 Circuits 18 initials

VZ Service Order Number:

To be provided

VZ Circuit ID:

Same as above

Charges for the ordered service(es) will appear on your monthly telephone bill. If any of the information in this letter is incorrect, please let us know in writing within the next ten business days.

Thank you for your order. Verizon is pleased to be your selected vendor for the provision of these services.

Sincerely,

Danny Shipman
Corporate Account Manager

Acknowledge by:

Title: President Mr. L. Rungren

Date: 12/26/01

Request for Proposal

The Merrimack Valley Library Consortium, a library consortium in eastern Massachusetts, is seeking a frame-relay based telecommunications network linking 37 remote sites to a Central Site. Locations and bandwidth requirements are as follows:

Library	Committed Information Rate
Amesbury Public Library 149 Main Street Amesbury, MA 01913	384K
Memorial Hall Library Elm Square Andover, MA 01810	768K
Billerica Public Library 25 Concord Road Billerica, MA 01821	384K
Boxford Village Library 10 Elm Street Boxford, MA 01921-2322	384K
Burlington Public Library 22 Sears Street Burlington, MA 01803	768K
Gleason Public Library Box 813, 22 Bedford Road Carlisle, MA 01741	384K
Chelmsford Public Library 25 Boston Road Chelmsford, MA 01824	768K
M.G. Parker Memorial Library 28 Arlington Street Dracut, MA 01826	384K
T.O.P.H. Burnham Free Library Martin Street Essex, MA 01929	56K
Peabody Library Lincoln Park, Georgetown, MA 01833	56K
Hamilton/Wenham Joint Library 14 Union Street S. Hamilton, MA 01982	768K
Haverhill Public Library 99 Main Street Haverhill, MA 01830-5092	768K
Ipswich Public Library 25 North Main Street Ipswich, MA 01938	384K
Lawrence Public Library 51 Lawrence Street Lawrence, MA 01841	768K

Reuben Hoar Library 41 Shattuck Street Littleton, MA 01460	384K
Pollard Memorial Library 401 Merrimack Street Lowell, MA 01852	768K
Manchester-by-the-Sea Public Library Union Street Manchester-by-the-Sea, MA 01944	384K
Nevins Memorial Library 305 Broadway Methuen, MA 01844	768K
Flint Public Library 2 North Main Street Middleton, MA 01949	384K
Newbury Town Library 0 Lunt Street Byfield, MA 01922	384K
Newburyport Public Library 94 State Street Newburyport, MA 01950	768K
Stevens Memorial Library 345 Main Street North Andover, MA 01845	768K
Flint Memorial Library 147 Park Street North Reading, MA 01864	384K
Rockport Public Library 17 School Street Rockport, MA 01966-1634	384K
Salisbury Public Library 17 Elm Street Salisbury, MA 01952	56K
Tewksbury Public Library 300 Chandler Street Tewksbury, MA 01876-2728	768K
Topsfield Town Library 1 South Common Street Topsfield, MA 01983	384K
Tyngsborough Public Library 25 Bryants Lane Tyngsborough, MA 01879	384K
G.A.R. Memorial Library 490 Main Street West Newbury, MA 01985	384K
J.V. Fletcher Library 50 Main Street Westford, MA 01886-2599	768K
Wilmington Memorial Library 175 Middlesex Avenue Wilmington, MA 01887	384K
Dunstable Free Public Library 588 Main Street Dunstable, MA 01827	56K
Langley-Adams Library	56K

Main Street Groveland, MA 01834	
Merrimack Public Library 34 West Main Street Merrimack, MA 01860	56K
South Lawrence Branch Library 135 Parker Street Lawrence, MA 01841	56K
McKay Branch Library 43 Newfield Street North Chelmsford, MA 01863	384K
West Boxford Library 188 Washington Street Boxford, MA 01921	56K
MVLC Central Site 123 Tewksbury Street Andover, MA 01810	

Proposals should include an appropriate number of T-1 circuits coming into Central Site.

Remote site telecommunications equipment

All sites have Bay Networks AN Routers currently in place. These will be used with the new circuits.

Most sites have Adtran TSU's. These will also be used with the new network.

Two sites will require new TSU's to move from their current 56K circuits to higher bandwidth frame circuits. Please include the cost of these TSUs as a separate item in your proposal.

Termination penalties

Our current circuits will have termination penalties totaling somewhere between \$50,000 to \$75,000 assessed. If you can absorb termination penalties, please include information on this as part of your proposal.

Start Date

The network should be operational as of July 1, 2002

Further information can be obtained by contacting Eric Graham at (978) 475-7120 or Lawrence Rungren at 978-475-7115

Responses to: Merrimack Valley Library Consortium
123 Tewksbury Street
Andover, MA 01810
Fax: 978-475-7179

Form 471 Application Number and Security Code

Billed Entity Number: 120368 Billed Entity Name: MERRIMACK VLY LIB
CONSORTIUM

Form 471 Application Number: 391277

Form 471 Security Code: 7427

Form 471 Applicant Type: LIBRARY

**IMPORTANT: PLEASE RECORD YOUR FORM 471 APPLICATION
NUMBER AND SECURITY CODE. IF YOU EXIT BEFORE
COMPLETING THIS INTERVIEW, YOU WILL NEED THESE TWO
NUMBERS TO RETURN TO THIS INTERVIEW.**

If you wish, create a code to identify your form. This code is for your
internal use and is **NOT** used by our system to identify this form.

Applicant's Form Identifier:

[Home](#) | Phone: 1-888-203-8100

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1.0.1405.26654

Certification ID:
41797

Schools and Libraries Universal Service Program
Services Ordered and Certification Form 471
Application Display

[REDACTED] [REDACTED]

Block 1: Billed Entity Information

Applicant's Form Identifier:

network04

471 Application Number: 391277

Funding Year: 07/01/2004 - 06/30/2005

Billed Entity Number:
120368

Cert. Postmark Date:

Form Status: INCOMPLETE

RAL Date:

Out of Window Letter Date:

Name: MERRIMACK VLY LIB CONSORTIUM

Address: 123 TEWKSBURY STREET

City: ANDOVER **State:** MA **Zip:** 01810

Phone: 978-475-7115 **Ext:**

Fax: 978-475-7179

E-mail:

Contact Name: Lawrence Rungren

Address: 123 TEWKSBURY STREET

City: ANDOVER **State:** MA **Zip:** 01810

Contact Phone: 978-475-7115 **Ext:**

Contact Fax: 978-475-7179 **Ext:**

E-mail: rungren@mvlc.lib.ma.us

Contact Mode: PHONE

Alternate Contact Info.:

Type of Application: LIBRARY

Ineligible Orgs: N

Block 3: Impact of Services Ordered in THIS Application

Number of students to be served:

Number of library patrons to be served: 573325

SERVICE DESCRIPTION	BEFORE ORDER	AFTER ORDER
b. High-bandwidth voice/data/video service: How many buildings served before and after your order?	39	39

Block 4: Worksheets

Worksheet B No: 523320

Library Outlets/Branches: 39

Sum. Discount (Sum. Column 4): 1630

Shared Discount: 42%

1. Library Name: AMESBURY PUBLIC LIBRARY

2. Entity Number: 120424

**3. School District where library outlet/branch is located: AMESBURY
SCHOOL DISTRICT**

4. Discount: 40%

1. Library Name: ANDOVER PUBLIC LIBRARY

2. Entity Number: 120367

**3. School District where library outlet/branch is located: ANDOVER
PUBLIC SCHOOL DISTRICT**

4. Discount: 40%

1. Library Name: BILLERICA PUBLIC LIBRARY

2. Entity Number: 120372

**3. School District where library outlet/branch is located: BILLERICA
SCHOOL DISTRICT**

4. Discount: 40%

1. Library Name: BOXFORD VILLAGE LIBRARIES

2. Entity Number: 120427

**3. School District where library outlet/branch is located: BOXFORD
PUBLIC SCHOOLS**

4. Discount: 20%

1. Library Name: BURLINGTON PUBLIC LIBRARY

2. Entity Number: 120364

**3. School District where library outlet/branch is located:
BURLINGTON SCHOOL DISTRICT**

4. Discount: 40%

1. Library Name: CHELMSFORD PUBLIC LIBRARY

2. Entity Number: 120374

**3. School District where library outlet/branch is located:
CHELMSFORD PUBLIC SCHOOL DIST**

4. Discount: 40%

1. Library Name: DUNSTABLE FREE PUBLIC LIBRARY

2. Entity Number: 120378

**3. School District where library outlet/branch is located:
GROTON-DUNSTABLE REG SCH DIST**

4. Discount: 40%

1. Library Name: FLINT MEMORIAL LIBRARY

2. Entity Number: 120397
3. School District where library outlet/branch is located: NORTH
READING SCHOOL DISTRICT 4. Discount: 40%

1. Library Name: FLINT PUBLIC LIBRARY
2. Entity Number: 120447
3. School District where library outlet/branch is located: MIDDLETOWN PUBLIC SCHOOLS 4. Discount: 40%

1. Library Name: G A R MEMORIAL LIBRARY
2. Entity Number: 120469
3. School District where library outlet/branch is located: PENTUCKET
REG SCHOOL DISTRICT 4. Discount: 40%

1. Library Name: GEORGETOWN PEABODY LIBRARY
2. Entity Number: 120382
3. School District where library outlet/branch is located: GEORGETOWN SCHOOL DISTRICT 4. Discount: 40%

1. Library Name: GLEASON PUBLIC LIBRARY
2. Entity Number: 120327
3. School District where library outlet/branch is located: CARLISLE
PUBLIC SCHOOL DIST 4. Discount: 20%

1. Library Name: HAMILTON-WENHAM PUBLIC LIBRARY
2. Entity Number: 120461
3. School District where library outlet/branch is located: HAMILTON-WENHAM REG SCH DIST 4. Discount: 40%

1. Library Name: HAROLD J PATTEN PUBLIC LIBRARY
2. Entity Number: 120401
3. School District where library outlet/branch is located: TEWKSBURY
PUBLIC SCHOOLS 4. Discount: 40%

1. Library Name: HAVERHILL PUBLIC LIBRARY
2. Entity Number: 120380
3. School District where library outlet/branch is located: HAVERHILL
SCHOOL DISTRICT 4. Discount: 50%

1. Library Name: IPSWICH PUBLIC LIBRARY
2. Entity Number: 120440
3. School District where library outlet/branch is located: IPSWICH
PUBLIC SCHOOL DISTRICT 4. Discount: 40%

1. Library Name: J V FLETCHER LIBRARY
2. Entity Number: 120409
3. School District where library outlet/branch is located: WESTFORD
SCHOOL DISTRICT 4. Discount: 40%

1. Library Name: LANGLEY-ADAMS LIBRARY
2. Entity Number: 120384

3. School District where library outlet/branch is located: TRITON
REGIONAL SCH DISTRICT

4. Discount: 40%

1. Library Name: LAWRENCE PUBLIC LIBRARY

2. Entity Number: 120386

3. School District where library outlet/branch is located: LAWRENCE
PUBLIC SCHOOLS

4. Discount: 90%

1. Library Name: M G PARKER MEMORIAL LIBRARY

2. Entity Number: 120377

3. School District where library outlet/branch is located: DRACUT
PUBLIC SCHOOL DISTRICT

4. Discount: 40%

1. Library Name: MACKAY BRANCH LIBRARY

2. Entity Number: 1128

3. School District where library outlet/branch is located:
CHELMSFORD PUBLIC SCHOOL DIST

4. Discount: 40%

1. Library Name: MANCHESTER PUBLIC LIBRARY

2. Entity Number: 120444

3. School District where library outlet/branch is located:
MANCHESTER ESSEX PUBLIC SCHOOL DIST

4. Discount: 40%

1. Library Name: MERRIMAC PUBLIC LIBRARY

2. Entity Number: 120394

3. School District where library outlet/branch is located: PENTUCKET
REG SCHOOL DISTRICT

4. Discount: 40%

1. Library Name: MERRIMACK VLY LIB CONSORTIUM

2. Entity Number: 120368

3. School District where library outlet/branch is located: ANDOVER
PUBLIC SCHOOL DISTRICT

4. Discount: 40%

1. Library Name: NEVINS MEMORIAL LIBRARY

2. Entity Number: 120389

3. School District where library outlet/branch is located: METHUEN
PUBLIC SCHOOLS

4. Discount: 40%

1. Library Name: NEWBURY TOWN LIBRARY

2. Entity Number: 120428

3. School District where library outlet/branch is located: TRITON
REGIONAL SCH DISTRICT

4. Discount: 40%

1. Library Name: NEWBURYPORT PUBLIC LIBRARY

2. Entity Number: 120451

3. School District where library outlet/branch is located:
NEWBURYPORT SCHOOL DISTRICT

4. Discount: 40%

1. Library Name: POLLARD MEMORIAL LIBRARY

2. Entity Number: 120393

3. School District where library outlet/branch is located: CITY OF
LOWELL

4. Discount: 80%

1. **Library Name:** REUBEN HOAR LIBRARY
2. **Entity Number:** 120215
3. **School District where library outlet/branch is located:** LITTLETON PUBLIC SCHOOL DIST
4. **Discount:** 40%

1. **Library Name:** ROCKPORT PUBLIC LIBRARY
2. **Entity Number:** 120455
3. **School District where library outlet/branch is located:** ROCKPORT SCHOOL DISTRICT
4. **Discount:** 40%

1. **Library Name:** ROWLEY PUBLIC LIBRARY
2. **Entity Number:** 120457
3. **School District where library outlet/branch is located:** TRITON REGIONAL SCH DISTRICT
4. **Discount:** 40%

1. **Library Name:** SALISBURY PUBLIC LIBRARY
2. **Entity Number:** 120452
3. **School District where library outlet/branch is located:** TRITON REGIONAL SCH DISTRICT
4. **Discount:** 40%

1. **Library Name:** SOUTH LAWRENCE BRANCH LIBRARY
2. **Entity Number:** 1042
3. **School District where library outlet/branch is located:** LAWRENCE PUBLIC SCHOOLS
4. **Discount:** 90%

1. **Library Name:** STEVENS MEMORIAL LIBRARY
2. **Entity Number:** 120390
3. **School District where library outlet/branch is located:** NORTH ANDOVER SCHOOL DISTRICT
4. **Discount:** 40%

1. **Library Name:** T O H P BURNHAM FREE LIBRARY
2. **Entity Number:** 120433
3. **School District where library outlet/branch is located:** MANCHESTER ESSEX PUBLIC SCHOOL DIST
4. **Discount:** 40%

1. **Library Name:** TOPSFIELD TOWN LIBRARY
2. **Entity Number:** 120465
3. **School District where library outlet/branch is located:** TOPSFIELD ELEMENTARY SCHOOLS
4. **Discount:** 20%

1. **Library Name:** TYNGSBOROUGH PUBLIC LIBRARY
2. **Entity Number:** 120402
3. **School District where library outlet/branch is located:** TYNGSBOROUGH SCHOOL DISTRICT
4. **Discount:** 40%

1. **Library Name:** WEST BOXFORD LIBRARY
2. **Entity Number:** 1178
3. **School District where library outlet/branch is located:** BOXFORD PUBLIC SCHOOLS
4. **Discount:** 20%

1. **Library Name:** WILMINGTON MEMORIAL LIBRARY

2. Entity Number: 120411

3. School District where library outlet/branch is located:
WILMINGTON SCHOOL DISTRICT

4. Discount: 40%

Block 5: Discount Funding Request(s)

FRN: 1072327		FCDL Date:	
11. Category of Service: Telecommunications Service		12. 470 Application Number: 905690000383399	
13. SPIN: 143001291		14. Service Provider Name: Verizon-Massachusetts	
15. Contract Number: T		16. Billing Account Number: 978-475-7005	
17. Allowable Contract Date: 12/19/2001		18. Contract Award Date:	
19a. Service Start Date: 07/01/2004		19b. Service End Date: 06/30/2005	
20. Contract Expiration Date:			
21. Attachment #: A-1		22. Block 4 Worksheet No.: 523320	
23a. Monthly Charges: \$13,500.00		23b. Ineligible monthly amt.: \$.00	
23c. Eligible monthly amt.: \$13,500.00		23d. Number of months of service: 12	
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$162,000.00			
23f. Annual non-recurring (one-time) charges: \$.00		23g. Ineligible non-recurring amt.: \$.00	
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00			
23i. Total program year pre-discount amount (23e + 23h): \$162,000.00			
23j. % discount (from Block 4): 42			
23k. Funding Commitment Request (23i x 23j): \$68,040.00			

Block 6: Certifications and Signature

24a. Schools: N

24b. Libraries or Library Consortia: Y

26a. Individual Technology Plan: N

26b. Higher-Level Technology Plan(s): Y

26c. No Technology Plan Needed:

27a. Approved Technology Plan(s): Y

27b. State Approved Technology Plan: N

27c. No Technology Plan Needed:

36. Printed Name of Authorized Person: Lawrence Rungren

37. Title or Position of Authorized Person: Executive Director

38a. Address: 123 Tewksbury Street

City: Andover **State:** MA **Zip:** 01810

38b. Telephone Number of Authorized Person: (978) 475-7115 ext.

38c. Fax Number of Authorized Person: (978) 475 - 7179

38d. Email address of Authorized Person: rungren@mvlc.lib.ma.us

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Applicant's Form Identifier: network04

Entity Number: 120368

Contact Person: Lawrence Rungren

Phone Number: (978) 475-7115

Block 6: Certifications and Signature

Do not write in this area

471 Application Number: 391277

24. The entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

- a. ☐ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school including, but not limited to elementary and secondary schools, colleges and universities

25. The entities listed on this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

26. All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local and long distance telephone service only.

27. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved; and/or
- b. ☐ technology plan(s) will be approved by a state or other authorized body; or
- c. ☐ no technology plan needed; applying for basic local and long distance telephone service only.

28. I certify that the entities eligible for support that I am representing have complied with all

applicable state and local laws regarding procurement of services for which support is being sought.

29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

30. I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.

32. I recognize that I may be audited pursuant to this application. I will retain for five years any and all worksheets and other records that I rely upon to fill out this application, and, if audited, will make available to the Administrator such records.

33. I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

34. Signature of authorized person Cert ID = 41797	35. Date 12/19/2003
---	----------------------------

36. Printed name of authorized person Lawrence Rungren

37. Title or position of authorized person Executive Director
--

38a. Street Address, P.O Box or Route Number 123 Tewksbury Street Andover, MA 01810
--

38b. Telephone number of authorized person: (978) 475-7115

38c. Fax number of authorized person: (978) 475-7179

38d. E-mail of authorized person: rungren@mvlc.lib.ma.us

ATTENTION: If you are signing Form 471 using the PIN assigned to you by SLD, you are reminded that using the PIN is equivalent to your handwritten signature on the form. Your use of the PIN to affirm these certifications means that should they prove untrue, you will be held to the same enforcement standards as those who affirm the certifications on paper. Also, by using the PIN, you are affirming that you have the authority to make these certifications and represent the entity featured in Block One of this funding request.

Please Check to affirm your compliance ☒

**471 Application Number: 391277
MERRIMACK VLY LIB CONSORTIUM
123 TEWKSBURY STREET
ANDOVER, MA 01810**

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001. The Americans with Disabilities Act, the Individuals with Disabilities Education Act and

the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Service Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington DC 20554.

Please retain a copy of this page and submit a copy with any communications to the SLD. Please enclose a copy of this confirmation page when mailing your Item 21 attachments.

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Schools and Libraries Division

MERRIMACK VALLEY LIBRARY CONSORTIUM

123 Tewksbury Street
Andover, MA 01810

Item 21 Attachment

Attachment: A-1

Applicant's Form Identifier: Network04
Form 471 Application Number: 391277
Contact Person: Lawrence Rungren

Entity Number: 120368
Phone Number: (978) 475-7115

Service Provider: Verizon-Massachusetts

Contracting Party: Merrimack Valley Library Consortium

Description of Service:

A frame-relay based telecommunications network linking remote sites to a Central Site at speeds ranging from 56K CIR to T-1 with 768K CIR (Frame Relay Service/Massachusetts Remote Access-Virtual Private Network Tariff -Terms 801 CMR 21.00)

Costs:

Service	Quantity	Recurring Monthly Cost (Pre-discount)	Monthly Total (Pre-discount)
56K with 56K CIR	5	\$93.20/ea.	\$466.00
384K with 384K CIR	19	\$286/ea.	\$5434.00
T-1 with 768 CIR	19	\$400/ea.	\$7600.00
Monthly Total:		\$13,500	
Yearly Total:		\$162,000.00	



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal
Funding Year 2004-2005

October 12, 2004

Lawrence Rungren
Merrimack Valley Library Consortium
123 Tewksbury Street
Andover, MA 01810

Re:	Applicant Name:	Merrimack Valley Library Consortium
	Billed Entity Number:	120368
	Form 471 Application Number:	391277
	Funding Request Number(s):	1072327
	Your Correspondence Dated:	June 29, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Numbers: 1072327
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you request an increase in your funding disbursement from \$34,020.00 to \$68,040.00. You assert that the reduction in funding, of almost half, is due to a misunderstanding in regards to the contract dates. You assert that the 36 month contract "start date" should not start from the signing date of December 26, 2001 but from the "service start date" which occurred in July of 2002, after the installation of the new circuits. You are requesting the full twelve months of funding.
- Upon review of the appeal letter and the relevant supporting documentation, it was determined by SLD that the funding request was correctly processed by PIA. A contract, by definition, is enacted from the date of signing, and for the time period stipulated. That date of signing was confirmed by you in an e-mail to the SLD, dated February 11, 2004, and the contract, which was included with that e-

mail named the terms of that agreement as 36 months. There was no addendum to this contract stating that the contract would not cover 36 chronological months from the signature date but instead 36 months from whenever service started, as you contend. On appeal, you sent in a letter from Verizon, dated June 28, 2004, to verify the installation date of your service, but it is the applicant's responsibility to ensure the accuracy and correctness of the information provided during the review. The SLD is not permitted to accept new information on appeal except where an applicant was not given an opportunity to provide information during the initial review or an error was made by the SLD. Based on this determination the application was justly processed in accordance with the rules of the Support Mechanism. You have failed to provide evidence on appeal that SLD has erred in determination; consequently, the appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2004: 07/01/2004 - 06/30/2005)

May 26, 2004

Lawrence Rungren
MERRIMACK VLY LIB CONSORTIUM
123 TEWKSBURY STREET
ANDOVER, MA 01810

Re: Form 471 Application Number: 391277
Funding Year 2004: 07/01/2004 - 06/30/2005
Billed Entity Number: 120368
Applicant's Form Identifier: network04

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$34,020.00 is "Approved."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the ECDL. Your letter of appeal must also include the Billed Entity Name, the

Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by the SLD.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual funding requests submitted on a Form 471.

FUNDING STATUS: Each FRN will have one of the following definitions:

1. An FRN that is "Funded" is approved at the level that the SLD determined is appropriate for this FRN. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connections requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on your Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The date services were reported to start for this FRN on your Form 471.

CONTRACT EXPIRATION DATE: The date the contract expires. This will be present only if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a. This will be present only for "site specific" FRNs.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: The discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FUNDING COMMITMENT REPORT

Form 471 Application Number: 391277
Funding Request Number: 1072327 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143001291 Service Provider Name: Verizon-Massachusetts
Contract Number: n/a
Billing Account Number: 978-475-7005
Service Start Date: 07/01/2004
Contract Expiration Date: 12/26/2004
Annual Pre-discount Amount for Eligible Recurring Charges: \$81,000.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$81,000.00
Discount Percentage Approved by the SLD: 42%
Funding Commitment Decision: \$34,020.00 - FRN approved as submitted